

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WAYNE R. SMITH,

Plaintiff,

v.

6:24-CV-0687
(GTS/MJK)

ROBERT MACIOL, Oneida County Sheriff;
CONNELLY, Oneida County Sheriff Deputy;
and JOHN DOE, Oneida County Sheriff Deputy,

Defendants.

APPEARANCES:

WAYNE R. SMITH, 24-B-3346

Plaintiff, *Pro Se*

Collins Correctional Facility

P.O. Box 340

Collins, New York 14034

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Wayne R. Smith (“Plaintiff”) against the Oneida County Sheriff’s Department and two of its employees (“Defendants”), are United States Magistrate Judge Mitchell J. Katz’s Report-Recommendation recommending that Plaintiff’s claims against the Oneida County Sheriff’s Department be dismissed, and that Plaintiff’s remaining false arrest claims against Defendants Connelly and Doe be permitted to proceed.¹ Plaintiff did not file an objection to the Report-Recommendation and

¹ Plaintiff’s Third Amended Complaint (Dkt. No. 10) is the operative pleading in this action. Because Plaintiff’s Third Amended Complaint did not include Robert Maciol as a Defendant in this action, Defendant Robert Maciol is terminated from this action.

the time in which to do so has expired. (*See generally*, Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Katz's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:² Magistrate Judge Katz employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff's claims against the Oneida County Sheriff's Department are dismissed, and Plaintiff's false arrest claims against Defendants Connelly and Doe may proceed.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Katz's Report-Recommendation (Dkt. No. 15) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's claims against Oneida County are **DISMISSED**; and it is further

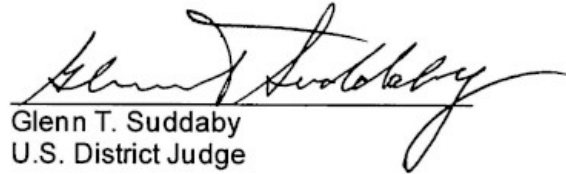
ORDERED that Plaintiff's remaining false arrest claims against Defendants Connelly and Doe **SURVIVE** the Court's initial review; and it is further

ORDERED that the Clerk of Court shall **TERMINATE** Robert Maciol as a Defendant

² When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

in this action for the reason stated above in note 1 of this Decision and Order.

Dated: March 28, 2025
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge